



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding bc IMC Realty Corporation dba Panarama Tower  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR, MNDC, MNSD, FF

### Introduction

This is an application filed by the Landlord for a monetary order for unpaid rent or utilities, for money owed or compensation for damage or loss, to keep all or part of the security deposit and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenants did not attend or submit any documentary evidence. The Landlord states that both Tenants were served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on April 11, 2013. The Landlord has also submitted copies of the Customer Receipt Tracking numbers and the on-line print out which shows that both parties received the packages and signed for them. I am satisfied that both parties have been properly served with the notice of hearing and evidence packages.

### Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to retain the security deposit?

### Background and Evidence

The Landlord seeks a monetary order of \$2,291.48. This consists of \$40.00 for suite cleaning, \$134.40 for carpet cleaning, \$122.08 for window blind cleaning, \$350.00 for liquidated damages and \$1,645.00 for the loss of rental income for April 2013.

This Tenancy began on October 1, 2012 on a fixed term tenancy ending on September 30, 2013 as shown by the submitted copy of the signed tenancy agreement. The

Tenancy ended on March 29, 2013. The unit was re-rented on May 1, 2013. The monthly rent was \$1,645.00 payable on the 1<sup>st</sup> of each month and a security deposit of \$822.50 was paid on September 18, 2012.

The Landlord states that the Tenants failed to provide 1 months notice to end the tenancy by providing notice to vacate on March 5, 2013 to vacate the rental unit on March 29, 2013. The Landlord seeks recovery of money owed based upon the submitted copies of the invoices for suite cleaning (\$50.00), carpet cleaning (\$100.00+GST \$5.00) and blind cleaning (\$90.00+GST \$4.50). The Landlord seeks the loss of rental income (\$1,645.00) for April as the rental unit was not re-rented until May 1, 2013 after advertising the rental unit. The Landlord also seeks compensation of \$350.00 for the liquidated damages for breaching the Tenancy Agreement and recovery of re-advertising costs. The Landlord has provided a copy of a signed tenancy agreement in which the liquidated damages section provides for a \$350.00 sum to be paid by the Tenant to the Landlord for not completing the signed tenancy agreement.

### Analysis

I accept the undisputed testimony of the Landlord and find that the Landlord has established a monetary claim for money owed or compensation for recovery of the cleaning costs, loss of rental income and the recovery of the liquidated damages. However, the amount claimed has not been established. The Landlord has established a monetary claim based upon the copies of the invoices submitted by the Landlord of \$50.00 for suite cleaning, \$105.00 for carpet cleaning, \$94.50 for blind cleaning, \$1,645.00 for loss of rental income and \$350.00 for liquidated damages for a total of \$2,244.50. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$822.50 security deposit in partial satisfaction of the claim and I grant a monetary order for \$1,472.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order for \$1,472.00.  
The Landlord may retain the security deposit.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: July 03, 2013

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Residential Tenancy Branch